

PHARMACY EXAMINING BOARD  
REGULAR MEETING  
MAY 15, 2001

MEMBERS PRESENT: John Bohlman, RPH; Charlotte Rasmussen; Sue Sutter, RPH; Michael Bettiga, RPH; Dan Luce, RPH; Cynthia Benning (excused from 10:37 a.m. until 12:08 p.m.); Georgina Forbes (excused at 2:38 p.m.)

LEGAL COUNSEL: William Black

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS: Larry Edwards, DOC; Susan Kleppin and Tom Engels, PSW; Shelly Roebel, Purdue Pharmacy; Marilyn Windschiegl, State Medical Society; Jamie Statz Paynter, Dean Pharmacy; Gina Besteman and Lori Joas, Women's International Pharmacy; Susan Hanosh, Walgreens; Chrissy Brueckbauer and Karen Merrill, Osco Drug; Roger Spear, Aaron Steffenhagen and Bonnie Orth, students

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

Amendments: -Proposed stipulation in the matter concerning Dennis A. Koranda,  
-Revision to self-inspection form  
-Variance request – Wausau Hospital Pharmacy-UW Cancer Center, Wausau  
-Variance request – Marshland Pharmacies  
-NABP final resolutions

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 10, 2001

Corrections: -On page 1, correct the spelling of "MEBERS" to "MEMBER EXCUSED".  
-On page 1, under APPROVAL OF AGENDA, Amendments, correct the spelling of "Shawn" to "Sean".  
-On page 3, under DISTRIBUTOR/MANUFACTURER'S APPLICATIONS, in the second motion, correct the spelling of "Manufacture" to "Manufacturer's".  
-On page 5, under CRAIG MOON, correct "pharmacists" to "pharmacist".  
-On page 7, in the heading at the top of the page, correct "MANUFACTURE" to "MANUFACTURER'S".

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to approve the Minutes of April 10, 2001 as corrected. Motion carried unanimously.

#### SECRETARY OSCAR HERRERA

The Board discussed several concerns with Secretary Herrera.

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to have legal counsel draft a letter to the Joint Finance Committee to query who originated the request for a designated seat on the Board for a pharmacist employed by a long-term care facility. Motion carried unanimously.

Cynthia Benning will be meeting with Rep. Underheim and Paul Rosowski, UW School of Pharmacy, later this morning regarding funding for the Pharmacy Internship Board. Cynthia Benning will report back to the Board after the meeting.

#### JOINT FINANCE COMMITTEE ON PHARMACY EXAMINING BOARD MEMBERSHIP

This issue was discussed with Secretary Herrera. As mentioned above, legal counsel will draft a letter for the Board's review.

#### UPDATE ON ATTORNEYS' ROLE

Attorney William Dusso discussed the roles and responsibilities of the attorneys within the department. The two attorney divisions within DRL are the Office of Legal Services (OLS) and the Division of Enforcement (DOE).

#### PRESENTATION OF PROPOSED STIPULATIONS

##### PURITAN MEDICAL PRODUCTS

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Puritan Medical Products. This matter will be deliberated on in closed session.

##### JAMES M SUNDBY, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning James M. Sundby, RPH. This matter will be deliberated on in closed session.

##### DENNIS A KORANDA, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Dennis A. Koranda, RPH. This matter will be deliberated on in closed session.

## SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

### DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to approve the Distributor's applications for **Galderma Laboratories, TX, Metz Medical Inc., Kenosha, Penner & Welsch, LA, Ranbaxy Pharmaceuticals, Inc. FL, Specialized Med Services, Milwaukee, Syncor Pharmaceuticals, CO and Ali Distribution, McFarland**, and the Manufacturer's applications of **AGA Gas, Schofield and Metz Medical, Inc., Kenosha**. Motion carried unanimously.

### VARIANCE REQUESTS

#### PESHTIGO PHARMACY, PESHTIGO

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to deny the variance request of Peshtigo Pharmacy, Peshtigo. Motion carried unanimously.

#### WAUSAU HOSPITAL PHARMACY-UW CANCER CENTER, WAUSAU

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the variance request of Wausau Hospital Pharmacy-UW Cancer Center, Wausau. Motion carried unanimously.

### MARSHLAND PHARMACIES

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the variance request of Marshland Pharmacies to allow the Marshland Compounding Center pharmacists to transfer prescriptions to patients and perform patient counseling within the patient counseling area of the Marshland Pharmacy-Mayville. Sue Sutter abstained. Motion carried.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to approve the variance request of Marshland Pharmacies and allow the central fill as outlined in the request. Sue Sutter abstained. Motion carried.

### QUAD/MED, PEWAUKEE

MOTION: Dan Luce moved, seconded by Georgina Forbes, to approve the variance request of Quad/Med for an indefinite period of time and to require Quad/Med to submit quarterly reports to the Board, and Quad/Med must keep records for five (5) years. Motion carried unanimously.

## OCONOMOWOC MEMORIAL HOSPITAL, OCONOMOWOC

The Board had several questions regarding the variance request from Oconomowoc Memorial Hospital. Legal counsel will correspond with Oconomowoc Memorial Hospital to request additional information. The Board will review the variance request when this information is received.

## PRACTICE QUESTIONS

### SUSAN K MELCHER, RPH

The Board reviewed the correspondence from Susan K. Melcher, RPH. In response to Ms. Melcher's questions regarding faxed prescriptions, the date and time of the transmission and the phone number of the transmitter must be recorded, however the rules do not specify if this information is to be in its original form or if it can be rewritten. The prescriptions must be appropriately stored and readily retrievable.

### ALL SAINTS HEALTHCARE SYSTEM, INC

Legal counsel will correspond with David M. Bowman, Director of Pharmacy, All Saints Healthcare System, Inc., that a variance request must be submitted.

### RX SYSTEMS, INC.

The Board reviewed the correspondence from Mark Steitz, Rx Systems, Inc. Legal counsel was correct in responding that state laws are not more restrictive than federal laws regarding blisters of PVC.

### MERCY WEST PHARMACY

The Board reviewed correspondence from Gregory Teche, RPH, Manager, Mercy West Pharmacy, regarding refill prescriptions for patients who are no longer in contact with the physician. There must be a valid patient relationship for the prescription to be refilled.

### DEGEN BERGLUND, INC

In response to Jerry Glocke, RPH, Degen Berglund, Inc., in Ch. 450.13, Wis. Stats., no pre-printed information is to be on prescription pads. This correspondence will also be referred to Wayne Austin, legal counsel for the Medical Examining Board.

### EARL DAU, RPH

The Board reviewed correspondence from Earl Dau, RPH, regarding long term care, and directed legal counsel to reply to Mr. Dau.

## TECHNICIAN QUESTIONS

The Board directed legal counsel to respond to technician questions.

## WEST BEND PHARMACY

The Board reviewed two questions from West Bend Pharmacy and directed legal counsel to respond.

## REVIEW OF PHAR 6.06 AND CLEARINGHOUSE REPORT

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to send Phar 6.06 to the legislature. Motion carried unanimously.

## REVIEW AND REVISE PHAR 7.20 REGARDING CENTRAL FILL

MOTION: Michael Bettiga moved, seconded by Dan Luce, to send Phar 7.20 to the Clearinghouse. Motion carried unanimously.

## REVIEW AND DISCUSSION OF PROPOSED AMENDMENT TO PHAR. 2.06 DEFINING “ACTIVE PRACTICE”

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to table the discussion of this issue to the next meeting. Cynthia Benning – no. Motion carried.

## REVIEW AND DISCUSSION OF CALIFORNIA, FLORIDA AND TEXAS LAWS RELATING TO ERROR REPORTING

Discussion of this item was postponed to a later date.

## REVIEW AND APPROVE DRAFT OF PROPOSED CORRESPONDENCE TO DEA REGARDING PHAR. 8.05(7)

After discussion, this matter was tabled until the June meeting.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to authorize legal counsel to draft a scope statement to revise Phar 8.05(4) to bring the rule into conformity with the federal controlled substances prescription rules. Motion carried unanimously.

## REVIEW AND APPROVE DRAFT OF PROPOSED CORRESPONDENCE TO MEDICAL EXAMINING BOARD REGARDING PHYSICIAN SIGNATURES

The Board reviewed the draft correspondence and by consensus decided to forward it to the Medical Examining Board.

## DISCUSSION OF HOW TO HANDLE LEGISLATIVE ISSUES BETWEEN BOARD MEETINGS

This item was postponed until the June meeting.

### ASSEMBLY BILL 307 RELATING TO EMPLOYMENT DISCRIMINATION AND EXEMPTION

After some discussion, the Board took no position on this legislation.

### REVISIONS TO CHAPTER HFS 124, ADMINISTRATIVE CODE

The Board reviewed Chapter HFS 124 and made several suggestions to legal counsel. The Board members will further review Chapter HFS 124 and will email additional comments to Patrick Braatz no later than May 22.

### REPORT OF CONTROLLED SUBSTANCES BOARD – CYNTHIA BENNING

There was no report as the CSB has not met.

### REPORT OF PHARMACY INTERNSHIP BOARD

The PIB has not met since the last Board meeting. Cynthia Benning had a meeting this morning with Representative Underheim, Paul Rosowski, Nathan Kanous and a legal lobbyist for the University regarding funding for the PIB. Representative Underheim wants to shift current funding for the PIB to the Patient Safety Committee. Representative Underheim felt the PIB directly benefited the UW students, and therefore should be funded by the UW, and other PIB functions, including evaluating foreign graduates, should be handled by DRL and the Board. The other meeting participants explained the role of the PIB to Representative Underheim, and also explained that the function of the Board is public protection.

DRL will need to know how Paul Rosowski handles foreign graduates. If this responsibility is shifted to DRL, it will require a qualified individual and will impact the Department's budget. Cynthia Benning suggested follow-up information from the PIB and DRL be sent to Rep. Underheim.

### RECESS FOR LUNCH

The meeting recessed for lunch at 12:23 p.m. No Board business was discussed during this time

### RECONVENE

The meeting reconvened at 1:09 p.m.

## DISCUSSION OF PROCEDURES FOR ENFORCEMENT OF MANDATORY CE

This item was postponed until the June meeting.

## REVIEW OF SUMMARY SUSPENSIONS FOR EMERGENCIES ONLY

This item was informational.

## DEA GUIDANCE FOR DISPENSING AND PURCHASING CONTROLLED SUBSTANCES OVER THE INTERNET

This item was informational.

## PAIN AND POLICY STUDIES GROUP PUBLICATION ON PHARMACISTS' KNOWLEDGE AND ATTITUDES ABOUT OPIOID PAIN MEDICATIONS IN RELATION TO FEDERAL AND STATE POLICY

This item was postponed to the June meeting.

## REVIEW LETTER REQUESTING ASSISTANCE

Legal counsel will inform Donald Bohler, RPH, that he should contact John Bohlman for information regarding coordinating the pharmacy for The Good Neighbor Clinic of Sauk Prairie.

## NABP FINAL RESOLUTIONS

Dan Luce reported on the Executive Committee elections.

## REVISIONS TO SELF-INSPECTION FORM

Roger Spear, intern, presented proposed revisions to the self-inspection form. The Board thanked Mr. Spear for his work.

## RECESS TO CLOSED SESSION

MOTION: Sue Sutter moved, seconded by Dan Luce, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g). Wis. Stats., for the purpose of deliberation of proposed stipulations, reviewing case status report, review of pharmacy application and request for ownership, a personal appearance in consideration of reinstatement of license, considering requests for stays of suspensions and modifications of orders, considering administrative warnings, preparation for June examination and consulting with legal counsel. Roll call vote: John – yes, Bohlman, Charlotte Rasmussen – yes, Sue Sutter –yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – yes, Georgina Forbes - yes. Motion carried unanimously.

Open session recessed at 2:38 p.m.

#### RECONVENE IN OPEN SESSION

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 4:16 p.m.

#### VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

##### PROPOSED STIPULATIONS

JAMES M SUNDBY, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning James M. Sundby, RPH. Case advisor – Dan Luce. Motion carried unanimously.

PURITAN MEDICAL PRODUCTS, INC, WEST ALLIS

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Puritan Medical Products, Inc., West Allis. Case advisor – Cynthia Benning. Charlotte Rasmussen – no. Motion carried.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to grant a license to Puritan Medical Products, Inc., West Allis. Motion carried unanimously.

DENNIS A KORANDA, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Dennis A. Koranda, RPH. Case advisor – Sue Sutter. Motion carried unanimously.

JEFFREY JOHN OTTESEN, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to adopt the Findings of Fact, Conclusions of Law and Order of the stipulation, and the amended Final Decision and Order. Michael Bettiga abstained. Motion carried.



## PHARMACY APPLICATION AND REQUEST FOR OWNERSHIP

### KENNETH A BRESSERS, RPH/OMRO PHARMACY, OMRO

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to approve the application of Kenneth A. Bressers, and grant a pharmacy license to Omro Pharmacy, Omro, WI. Dan Luce – no. Motion carried.

## PERSONAL APPEARANCE/REQUEST FOR REINSTATEMENT OF LICENSE

### ROGER IVERSON, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to deny the request for reinstatement of license to Roger Iverson, RPH, as he is non-compliant with his Order. Motion carried unanimously.

## REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

### ERIC SCHUSTER, RPH

MOTION: John Bohlman moved, seconded by Michael Bettiga, to deny the request for a three-month stay of suspension and decrease in therapy to Eric Schuster, RPH. Motion carried unanimously.

### PHILIP DALLMAN, RPH

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Philip Dallman, RPH, but deny his request for a change in therapy. Motion carried unanimously.

### MARILYN KUHRT, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Marilyn Kuhrt, RPH. Motion carried unanimously.

### JOHN SCHMITT, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to grant a three-month stay of suspension to John Schmitt, RPH, but deny his request for a change in screens and therapy. Michael Bettiga abstained. Motion carried.

## CASE STATUS REPORT

There were no cases to close.

ADMINISTRATIVE WARNING – 00 PHM 053

No Board action was taken in this matter as it was referred back to DOE.

ADMINISTRATIVE WARNING – 00 PHM 55

No Board action was taken in this matter as it was referred back to DOE.

LETTER TO SECRETARY HERRERA

MOTION: Dan Luce moved, seconded by Michael Bettiga, to send a letter to Secretary Herrera that the Board has concerns regarding the handling of future cases. Motion carried unanimously.

DIGEST UPDATE

This item was informational.

ADJOURNMENT

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:16 p.m.

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